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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,405	01/12/2001	Xiaoning Nie	GR 00 P 1031	1766
24131	7590	07/12/2005	EXAMINER	
LERNER AND GREENBERG, PA			LI, AIMEE J	
P O BOX 2480			ART UNIT	PAPER NUMBER
HOLLYWOOD, FL 33022-2480			2183	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/760,405	NIE, XIAONING
Examiner	Art Unit	
Aimee J. Li	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 April 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 and 4-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 4-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Claims 1 and 4-12 have been considered. Claims 1 and 11 are amended as per Applicant's request. Claims 2-3 have been cancelled as per Applicant's request.

### *Papers Submitted*

2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Amendment as received on 27 April 2005.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 6,499,096 (herein referred to as Suzuki) in view of Kahle et al., U.S. Patent Number 5,913,925 (herein referred to as Kahle).

5. Referring to claim 1, Suzuki has taught a data-processing device for processing in parallel a plurality of processes, comprising:

- a. A multiplicity of bundles with a plurality of instructions of a process, the instructions of a bundle being executable in parallel (Suzuki column 2, lines 14-29);
- b. A branching control unit connected to and addressing said program memory a register for storing flags and data which are switched in dependence on a process

being executed (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11);

- c. A program flow control unit connected to said branching control unit (Suzuki column 6, lines 29-44 and 52-67 and Figure 3), said program flow control unit controlling a fetching of bundles to be processed in parallel from said program memory, controlling said branching control unit, and controlling an output of instructions to be processed in parallel in dependence on information contained in the instructions and included in a compiling time of the program (Suzuki column 6, lines 29-44 and 52-67 and Figure 3);
- d. A number N of instruction buffers being connected in parallel downstream of said program memory for storing instructions read out from said program memory (Suzuki column 4, line 56 to column 5, line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11), an instruction bundle being read into one of said instruction buffers and a second instruction bundle associated with a different process being read into another one of said instruction buffers (Suzuki column 4, line 56 to column 5, line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11); and
- e. An instruction output selector being connected to and controlled by said process flow control unit causing said instruction output selector to read out instructions from said instruction buffers and output N instructions in parallel (Suzuki column 7, line 62 to column 8, line 24; column 12, line 36 to column 13, line 6; Figure 3;

and Figure 11), said instruction output selector having a multiplexer logic and selecting one of either one instruction from a first instruction buffer and one instruction from a second instruction buffer, or two instructions from one of said first and second instruction buffers (Suzuki column 7, line 62 to column 8, line 24; column 12, line 36 to column 13, line 6; Figure 3; and Figure 11).

6. Suzuki has not taught a program memory having stored therein at least one compiled program with a multiplicity N of independent processes, the compiled program including information on parallelism. Kahle has taught a program memory having stored therein at least one compiled program with a multiplicity N of independent processes, the compiled program including information on parallelism (Kahle column 2, lines 64 to column 3, line 2; column 4, lines 33-46; and Figure 1A). A person of ordinary skill in the art at the time the invention was made that the multiscalar device of Kahle utilizes more of the hardware resources and diminishes the effects of mispredicted branches and data dependencies between tasks (Kahle column 3, lines 59-66), thereby improving processor performance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multiscalar device of Kahle in the device of Suzuki to improve processor performance.

7. Referring to claim 4, Suzuki has taught which comprises N instruction decoders for decoding the instructions being output (Suzuki column 4, line 56 to column 5, line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11).

8. Referring to claim 5, Suzuki has taught which comprises at least two instruction-execution units for outputting the N decoded instructions (Suzuki column 4, line 56 to column 5,

line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11).

9. Referring to claim 6, Suzuki has not taught which comprises a data memory and at least two buses connecting said N instruction-execution units to said data memory. Kahle has taught which comprises a data memory and at least two buses connecting said N instruction-execution units to said data memory (Kahle column 10, lines 26-33 and Figure 4). A person of ordinary skill in the art at the time the invention was made that the multiscalar device of Kahle utilizes more of the hardware resources and diminishes the effects of mispredicted branches and data dependencies between tasks (Kahle column 3, lines 59-66), thereby improving processor performance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multiscalar device of Kahle in the device of Suzuki to improve processor performance.

10. Referring to claim 7, Suzuki has taught which comprises a plurality of instruction-execution units connected to said program flow control unit and configured to execute the instructions of one or more bundles in parallel (Suzuki column 4, line 56 to column 5, line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11).

11. Referring to claim 8, Suzuki has taught wherein said branching control unit is configured to output an address pointer for addressing a bundle (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11).

12. Referring to claims 9 and 11, Suzuki has taught wherein the branching control unit comprises:

- a. A first multiplexer and a second multiplexer (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11);
- b. An adder (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11);
- c. Wherein said program flow control unit feeds a number of instructions in a bundle to said adder and said adder adds an address pointer and the number of instructions (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11);
- d. Wherein said program flow control unit feeds addresses for program jumps or function calls and a process number to said first multiplexer (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11);
- e. Said first multiplexer writing either the output signal of said adder or the addresses for program jumps or function calls into said program counter assigned to the active process (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11); and
- f. A content of said program counter assigned to the currently active process is output as a new address pointer via said, second multiplexer which is controlled using the process number supplied (Applicant's claim 9) (Suzuki column 6, lines 29-44 and 52-67; column 12, line 36 to column 13, line 5; Figure 3; and Figure 11).

g. Wherein said program flow control unit is configured to receive via a subbus of an output bus of said program memory at least one of the following:

- i. At least one bit for indicating the parallel execution of instructions (Applicant's claim 10) (Suzuki column 2, lines 14-29). In regards to Suzuki, the at least one bit is inherent for the instruction to be recognized as a VLIW instruction.
- ii. At least one bit for indicating the length of the following instruction bundle (Applicant's claim 10) (Suzuki column 4, line 56 to column 5, line 6; column 12, lines 7-13; column 12, line 36 to column 13, line 5; Figure 3; Figure 9; and Figure 11). In regards to Suzuki, the at least one bit is inherent for the instruction to recognize where it ends, since the instructions contains multiple sub-instructions.
- iii. The indication of one or more NOPs in the instruction bundles (Applicant's claim 10) (Suzuki column 3, lines 49-52).

13. Suzuki has not taught

- a. N program counters (Applicant's claim 9);
- b. A priority of the processes of the instructions (Applicant's claim 10);
- c. Wherein a process is called with a run instruction assigning a process number, a priority and a memory address of a starting point of the process in the program memory (Applicant's claim 11).

14. Kahle has taught

- a. N program counters (Applicant's claim 9) (Kahle column 10, lines 26-33 and Figure 4);
- b. A priority of the processes of the instructions (Applicant's claim 10) (Kahle column 10, line 52 to column 11, line 29)
- c. Wherein a process is called with a run instruction assigning a process number, a priority and a memory address of a starting point of the process in the program memory (Applicant's claim 11) (Kahle column 10, line 52 to column 11, line 29).

15. The program counters are inherent, since the position of the instruction for each thread in the individual instruction caches must be known. Program counters indicate which instruction is to be executed next. A person of ordinary skill in the art at the time the invention was made that the multiscalar device of Kahle utilizes more of the hardware resources and diminishes the effects of mispredicted branches and data dependencies between tasks (Kahle column 3, lines 59-66), thereby improving processor performance. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the multiscalar device of Kahle in the device of Suzuki to improve processor performance.

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki, U.S. Patent Number 6,499,096 (herein referred to as Suzuki) in view of Kahle et al., U.S. Patent Number 5,913,925 (herein referred to as Kahle) as applied to claim 1 above, and further in view of Allen, Jr. et al., U.S. Patent No. 6,404,752 (herein referred to as Allen). Suzuki in view of Kahle has not explicitly taught wherein said data processing device is a network processor for processing layer 1 to 7 of protocol stacks in applications including LAN, ATM switches, IP routers, and frame relays based on a system selected from the group consisting of DSL, Ethernet,

and cable modems. Allen has taught the use of general-purpose microprocessors as network processors to provide a cost-effective solution to processing protocol stack layers for IDSN, cable and DSL modems that provides high throughput and speeds (Allen column 1, lines 44-49 and column 2, line 38 to column 3, line 23). One of ordinary skill in the art would have recognized that a primary goal in microprocessor design is to lower costs while maintaining a high level of performance. Therefore, one of ordinary skill in the art would have found it obvious to modify the processor of Suzuki in view of Kahle to be used in a network processor to keep costs low while providing a high level of network processing performance.

*Response to Arguments*

17. As a note, Applicant notes on page 9 in essence “Gupta was not relied on by the Examiner...” Applicants are correct and it was a typographical error on the Examiner’s part. The error has been corrected in the rejection above to correctly reflect that the reference relied upon was Allen.

18. Applicant’s arguments filed 27 April 2005 have been fully considered but they are not persuasive.

19. Applicant argues in essence on pages 5-7 and 7-8

...these two left sub-instructions are executed, selected, and output sequentially by the exchanging portion and not in parallel...

In contrast, the present invention selects in one mode two instructions from one of the two instruction buffers and outputs the two instructions in parallel...

20. This has not been found persuasive. The Examiner could not locate anywhere in Suzuki where it is indicated that the instructions are executed, selected, and output sequentially. In fact,

this type of execution tends to be contrary to the purpose of VLIW instructions. For example, Suzuki has taught in column 1, lines 25-28 that VLIW execution improves performance of a processor by processing a plurality of instructions in a single cycle, i.e. increasing parallelism in a processor. Executing instructions sequentially goes contrary to the purpose of a VLIW device. Also, the claim language states “selecting one of either one instruction from a first instruction buffer and one instruction from a second instruction buffer, **or** two instructions from one of said first and second instruction buffers.” The claim language is written in the alternative so, to make a proper rejection, only one of the conditions must be met. In this case, art that teaches only selecting an instruction from both buffers meets the claim limitations, as well as art that only teaches selecting two instructions from a single buffer.

21. Applicant argues in essence on page 7

...Applicant submits that such a combination is not obvious as alleged by the Examiner, nor is there sufficient basis in the primary Suzuki reference to warrant modifying it by Kahle as proposed by the Examiner.

22. This has not been found persuasive. The prior art does not need to provide motivation to modify a primary reference with a secondary reference. It only needs to be obvious to a person of ordinary skill in the art. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21

USPQ2d 1941 (Fed. Cir. 1992). Also, if Suzuki had provided motivation to make the modifications proposed by Kahle, then there would be no need to combine Suzuki with Kahle, since Suzuki would have taught the elements the Examiner admitted it did not teach. The motivation for combining Suzuki and Kahle is provided by Kahle, as is proper. Please see the rejection above for more details on the combination motivation.

23. Applicants argue in essence on pages 8-9 and 10

The references do not show a “a program memory having stored therein at least one compiled program with a multiplicity N of independent processes” and “an instruction output selector being connected to and controlled by said processor flow control unit causing said instruction output selector to read out instructions from said instruction buffers and output N instructions in parallel, said instruction output selector having a multiplexer logic and selecting one of either one instruction from a first instruction buffer and one instruction from a second instruction buffer, or two instructions from one of said first and second instruction buffers.

24. This has not been found persuasive. Please see the rejection and response to the arguments above.

25. Applicants argue in essence on pages 9-11

...Nor does Allen show or suggest “a network processor for processing layer 1 to 7 of protocol stacks in applications including LAN, ATM switches, IP routers, and frame relays based on a system selected from the group consisting of DSL, Ethernet, and Cable modems”

26. This has not been found persuasive. As cited in the rejection above, Allen has taught the seven layers in column 1, lines 44-49 and the applications in column 2, line 38 to column 3, line 23.

*Conclusion*

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aimee J. Li whose telephone number is (571) 272-4169. The examiner can normally be reached on M-T 7:30am-5:00pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJL  
Aimee J. Li  
08 July 2005



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